

UIdaho Law Digital Commons @ UIdaho Law

Not Reported

Idaho Supreme Court Records & Briefs

11-17-2017

State v. Knight Appellant's Brief Dckt. 45123

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/not_reported

Recommended Citation

"State v. Knight Appellant's Brief Dckt. 45123" (2017). *Not Reported*. 4037.
https://digitalcommons.law.uidaho.edu/not_reported/4037

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ UIdaho Law. It has been accepted for inclusion in Not Reported by an authorized administrator of Digital Commons @ UIdaho Law. For more information, please contact annablaine@uidaho.edu.

ERIC D. FREDERICKSEN
State Appellate Public Defender
I.S.B. #6555

SALLY J. COOLEY
Deputy State Appellate Public Defender
I.S.B. #7353
322 E. Front Street, Suite 570
Boise, Idaho 83702
Phone: (208) 334-2712
Fax: (208) 334-2985
E-mail: documents@sapd.state.id.us

IN THE SUPREME COURT OF THE STATE OF IDAHO

| | | |
|-----------------------|---|------------------------------|
| STATE OF IDAHO, |) | |
| |) | |
| Plaintiff-Respondent, |) | NO. 45123 |
| |) | |
| v. |) | POWER COUNTY NO. CR 1997-769 |
| |) | |
| TYREL MCKNIGHT, |) | |
| |) | APPELLANT’S BRIEF |
| Defendant-Appellant. |) | |
| _____ |) | |

STATEMENT OF THE CASE

Nature of the Case

Tyrel McKnight appeals from the district court’s denial of his Idaho Criminal Rule 35(a) (*hereinafter*, “Rule 35”) motion to correct an illegal sentence. Mindful of the Idaho Court of Appeals’ decision in *State v. Griffith*, 157 Idaho 409 (Ct. App. 2014) (holding that Idaho Code §§ 18-4004 and 19-2513 grant trial courts discretion to impose a fixed term of *not less than* ten years for first degree murder), Mr. McKnight argues that the plain language of I.C. § 18-4004, when read in conjunction with I.C. § 19-2513, requires a fixed sentence of ten years for any defendant convicted of first degree murder. He asserts that the district court erred by denying his motion to correct an illegal sentence.

Statement of Facts and Course of Proceedings

In 1998, Mr. McKnight entered a guilty plea to first degree murder and a firearms sentencing enhancement. (6/17/98 Tr., p.6, L.23 – p.7, L.11; R., pp.7-9.) He was sentenced to fixed life. (7/31/98 Tr., p.169, Ls.19-22.)

In 2016, Mr. McKnight filed a motion to correct an illegal sentence pursuant to Rule 35(a). (R., pp.13-16.) Mr. McKnight asserted that his sentence was illegal because the district court imposed a sentence in excess of statutory limits—when Idaho Code Sections 18-4004 and 19-2513 are read *in pari materia*, the court must impose a fixed term of ten years with life indeterminate, in all first degree murder convictions. (R., p.9.)

After a hearing on Mr. McKnight’s motion, the district court denied it, holding that the language of the two statutes at issue, I.C. §§ 18-4004 and 19-2513, do not require the courts to impose a fixed period of ten years, nor do the statutes require both fixed and indeterminate periods. (R., p.40.) The district court held that I.C. §18-4004 provides that the minimum, or fixed, period of confinement must not be “less than ten (10) years”, but it does not state the minimum, fixed period must be exactly ten years. (R., p.40.) Further, such an interpretation requiring a minimum fixed sentence of ten years disregards the statutory language requiring that “every person guilty of murder in the first degree shall be punished by . . . imprisonment for life.” (R., p.40.) Thus, the statute prescribes a sentence of not less than ten years and no greater than life. (R., pp.40-41.) Mr. McKnight filed a timely notice of appeal. (R., pp.43-46, 71-74.)

ISSUE

Did the district court err in denying Mr. McKnight’s motion to correct an illegal sentence?

ARGUMENT

The District Court Erred In Denying Mr. McKnight's Motion To Correct An Illegal Sentence

A. Introduction

Mindful of the Court of Appeals' holding in *State v. Griffith*, 157 Idaho 409 (Ct. App. 2014), Mr. McKnight argues that both I.C. § 18-4004 and I.C. § 19-2513 limit the district court's discretion when imposing the fixed portion of a sentence for first degree murder. Mr. McKnight's argument is based on the language contained in I.C. § 18-4004, which provides that first degree murder is punishable by imprisonment for "not less than ten (10) years" and the language contained in I.C. § 19-2531, which provides that, "If the offense carries a mandatory minimum penalty as provided by statute, the court shall specify a minimum period of confinement *consistent* with such statute." I.C. § 18-4004; I.C. § 19-2513 (emphasis added). Mr. McKnight argues that in order for the fixed portion of his sentence to be "consistent" with I.C. § 18-4004, it must have a fixed portion of ten years.

B. The District Court Erred In Holding Mr. McKnight's Sentence Is Not Illegal

Mindful of *Griffith*, Mr. McKnight argues that his indeterminate life sentence is illegal. The question of whether a sentence is illegal or whether it was imposed in an illegal manner is a question of law, over which Idaho appellate courts exercise free review. *State v. Clements*, 148 Idaho 82, 84 (2009). The Idaho Supreme Court has addressed the definition of an illegal sentence as follows:

[T]he term "illegal sentence" under Idaho Criminal Rule 35 is narrowly interpreted as a sentence that is illegal from the face of the record, i.e., does not involve significant questions of fact or require an evidentiary hearing. This interpretation is harmonious with current Idaho law. As this Court recently noted in *State v. Farwell*, 144 Idaho 732, 735 (2007), Rule 35 is a "narrow rule." Because an illegal sentence may be corrected at any time, the authority conferred

by Rule 35 should be limited to uphold the finality of judgments. Rule 35 is not a vehicle designed to reexamine the facts underlying the case to determine whether a sentence is illegal; rather, the rule only applies to a narrow category of cases in which the sentence imposes a penalty that is simply not authorized by law or where new evidence tends to show that the original sentence was excessive. *See State v. Arthur*, 145 Idaho 219, 223 (2008).

Clements, 148 Idaho at 87.

The issue before this Court is whether the district court imposed an illegal sentence (as opposed to a sentence imposed in an illegal manner), because Mr. McKnight's appellate claim does not require a reexamination of the facts underlying the case and only involves a question of statutory construction.

When a statute is interpreted, the court begins with the literal words of the statute; those words must be given their plain, usual, and ordinary meaning, and the statute must be construed as a whole. *City of Sandpoint v. Sandpoint Independent Highway Dist.*, 139 Idaho 65, 69 (2003). Idaho courts cannot engage in statutory construction when dealing with unambiguous statutes or, in other words, modify or void unambiguous statutes, because the power to do so is legislative, not judicial. *Verska v. Saint Alphonsus Regional Medical Center*, 151 Idaho 889, 894-896 (2011).

In 1998, Idaho Code Section 18-4004 provided that “the court shall set forth in its judgment and sentence a minimum period of confinement of not less than ten (10) years, during which period of confinement the offender shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct, except for meritorious service.” I.C. § 18-4004. In 1998, Idaho Code Section 19-2513 provided, “[i]f the offense carries a mandatory minimum penalty as provided by statute, the court shall specify a minimum period of confinement consistent with such statute.” I.C. § 19-2513. Mr. McKnight asserts that, when the language of

these two statutes is read together, in *pari materia*, the district court was required to impose a sentence of ten years, fixed. (R., p.9.)

As he did in the district court, on appeal Mr. McKnight asserts that the district court erred by denying his motion to correct an illegal sentence because when I.C. §§ 18-4004 and 19-2513 are read together, they instruct the court to impose an indeterminate sentence, with ten years, fixed. (3/14/17 Tr., p.8, L.11 – p.9, L.21.) Mr. McKnight contends that, because his sentence did not include the fixed ten-year period required by these statutes, his sentence was illegal. (3/14/17 Tr., p.9, Ls.19-21.)

In denying Mr. McKnight's motion, the district court found that the language of I.C. § 18-4004 was clear, and it required "the minimum, fixed term of the sentence to be not less than a ten-year term and no greater than a life term." (R., p.41.) Mr. McKnight asserts that the district court erred by denying his motion to correct an illegal sentence because the applicable statutes, when read together, require a minimum fixed sentence of ten years.

CONCLUSION

Mr. McKnight respectfully requests that the district court's order denying his motion to correct an illegal sentence be reversed, and his case remanded with instructions for the district court to impose a sentence within the ranges which are statutorily authorized.

DATED this 17th day of November, 2017.

_____/s/_____
SALLY J. COOLEY
Deputy State Appellate Public Defender

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 17th day of November, 2017, I served a true and correct copy of the foregoing APPELLANT'S BRIEF, by causing to be placed a copy thereof in the U.S. Mail, addressed to:

TYREL MCKNIGHT
INMATE #55074
ISCC
PO BOX 70010
BOISE ID 83707

STEPHEN S DUNN
DISTRICT COURT JUDGE
E-MAILED BRIEF

KENNETH K JORGENSEN
DEPUTY ATTORNEY GENERAL
CRIMINAL DIVISION
E-MAILED BRIEF

_____/s/_____
EVAN A. SMITH
Administrative Assistant

SJC/eas